

PATENT #3

ATTORNEY DOCKET NO.: 044574-5040-US



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patrick C. KUNG *et al.*

U.S. Application No.: 09/830,033

Group Art Unit: Unassigned

International Appln. Filing Date: October 22, 1999

Date of National Stage Entry: April 20, 2001

Examiner: Unassigned

For: PHYTOMICS: A GENOMIC-BASED APPROACH  
TO HERBAL COMPOSITIONS**BOX PCT**Commissioner for Patents  
Washington, D.C. 20231**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed May 21, 2001.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☒ Applicant(s) hereby assert small entity status.

## 5. Fee Calculation

			Basic Fee: PCT Application-\$890.00	\$
	Number Filed	Number Extra	at a Rate of	
Total Claims	?-20 =	?	\$18.00 each=	+\$ ?
Independent Claims	?- 3 =	?	\$84.00 each=	+\$ ?
Multiple dependent claim(s), if any			\$280.00	+\$ ?
Missing Requirements Surcharge Fee			\$130.00	\$130.00
SUB-TOTAL =				\$130.00
Reduction by 1/2 for filing under small entity				- \$65.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$ ?
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$ ?
TOTAL FILING FEE =				\$ 65.00

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65.00 OP

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input checked="" type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00

Extension of time fee due with this request:

**\$460.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Missing Requirements Surcharge	<u>\$65.00</u>
	Extension of Time Fees	<u>\$460.00</u>
	<b>Total Fee Due</b>	<b><u>\$525.00</u></b>

- ☒ Enclosed is a check in the amount of \$525.00 representing the Missing Requirements Surcharge and a 3-month Extension of Time fee.

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- ☐ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)  
☐ Preliminary Amendment  
☐ PCT/IB/338 English translation of the International preliminary Examination Report  
☐ Information Disclosure Statement  
☐ Form PTO-1449, documents as listed  
☐ Declaration of Biological Deposit  
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Erich E. Veitenheimer

Reg. No. 40,420

Date: October 22, 2001

**Customer No. 09629**

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